

JEFFREY DURANTE, ON BEHALF OF HIMSELF, FLSA COLLECTIVE  
PLAINTIFFS AND CLASS MEMBERS

Plaintiff(s)

- against -

Index # 11 CIV 9024 (SWEET)

KELLNER DILEO & CO. LLC, ETAL

Purchased December 9, 2011

Defendant(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

STEVEN C. AVERY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on January 18, 2012 at 12:20 PM at

SECRETARY OF STATE  
ALBANY, NY

deponent served the within SUMMONS AND COMPLAINT on KELLNER DILEO COHEN & CO., LLC therein named,

**SECRETARY OF STATE** a Foreign LIMITED LIABILITY COMPANY by delivering two true copies to LISA VARRARRO, LEGAL CLERK personally, deponent knew said LIMITED LIABILITY COMPANY so served to be the LIMITED LIABILITY COMPANY described in said summons as said Defendant and knew said individual to be AUTHORIZED to accept thereof.

Service upon the N.Y.S. Secretary of State under SECTION 303 OF THE LIMITED LIABILITY COMPANY LAW and tendering the required fee.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>FEMALE</u>	<u>WHITE</u>	<u>BROWN</u>	<u>45</u>	<u>5'1</u>	<u>150</u>

Sworn to me on: January 25, 2012

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2015

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014

  
**STEVEN C. AVERY**

Invoice #: 546470